

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN MOSES, *et al.*,

Plaintiffs,

v.

Case No. 22-cv-12472

Hon. Paul D. Borman

CITY OF PERRY,

Defendant.

/

**ORDER DENYING INTERVENOR DEFENDANT’S EMERGENCY
MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION (ECF No. 25)**

On May 23, 2023, the Court held an in-person hearing to hear argument on Intervenor Defendant 120 West LLC’s Emergency Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 25). As the Court noted on the record during that hearing, a party seeking a preliminary injunction must demonstrate that such relief is essential to avoid irreparable harm. In the words of the Sixth Circuit, a showing of irreparable injury is “indispensable: If the plaintiff isn’t facing imminent and irreparable injury, there’s no need to grant relief *now* as opposed to at the end of the lawsuit.” *D.T. v. Summer County Schools*, 942 F.3d 324, 327 (6th Cir. 2019). For the reasons explained at length on the record during the motion hearing, Intervenor Defendant 120 West LLC has not carried its burden of demonstrating that it will suffer imminent, irreparable harm without a temporary

restraining order and/or preliminary injunction. Thus, for all of the reasons explained on the record, the Emergency Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 25) is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE
IN HIS CAPACITY AS PRESIDING JUDGE

Dated: May 24, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 24, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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